

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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In re:

METRO AFFILIATES, INC., et al.,  
Debtors.

District Court Case No.: 08-CV-03814 (LAP)

Bankruptcy Ct. Case No.:  
02-42560 (PCB)

Jointly Administered

GREENWICH INSURANCE  
COMPANY,  
Plaintiff/ Appellant,  
v.  
GREENWICH STREET CAPITAL  
PARTNERS II, L.P.,  
Defendant/ Appellee.

Adv. Proc. No.:  
03-06364 (PCB)

**STIPULATION AND ORDER TO EXTEND BRIEFING  
SCHEDULE AND INCREASE BRIEF PAGE LIMIT**

Plaintiff/Appellant Greenwich Insurance Company ("Greenwich") and Defendant/Appellee Greenwich Street Capital Partners II, L.P. ("GSCP"), by and through their respective counsel, stipulate and agree as follows:

**WHEREAS**, on March 20, 2008, Greenwich timely filed with the United States Bankruptcy Court for the Southern District of New York (the "Bankruptcy Court") a Notice of Appeal from the March 12, 2008 Order: (a) Granting GSCP's Motion for Summary Judgment; (b) Denying Greenwich's Cross-motion for Summary Judgment; and (c) Dismissing Adversary Proceeding With Prejudice, entered by the Honorable Prudence Carter Beatty, United States Bankruptcy Judge, in Greenwich Insurance Company v. Greenwich Street Capital Partners II,

L.P., Adversary Proceeding No. 03-06364 (PCB), an adversary proceeding within In re Metro Affiliates, Inc., et al., Case No. 03-06364, (the "Appeal") (amended by way of Amended Notice of Appeal, filed on April 4, 2008, to identify Charles I. Poret, Esq., Dechert LLP, as a counsel for GSCP); and

**WHEREAS**, on March 30, 2008, Greenwich timely filed with the Bankruptcy Court a Designation of Record and Statement of Issues on Appeal; and

**WHEREAS**, on April 22, 2008, the Appeal was docketed and transferred by the Bankruptcy Court to the Clerk of the United States District Court for the Southern District of New York (the "District Court Clerk"); and

**WHEREAS**, the District Court Clerk has set a deadline for the filing of Greenwich's Appellant Brief of May 12, 2008, with regard to the Notice of Appeal (and, inconsistently, a deadline of May 9, 2008, with regard to the Amended Notice of Appeal); and

**WHEREAS**, counsel for Greenwich and GSCP have conferred and agreed that, (a) given that the Appeal is from Cross-Motions for Summary Judgment that were briefed and argued approximately four years ago, it would benefit both Greenwich and GSCP and provide for more effective briefing of the legal issues to extend the deadlines, and (b) given that the timeframe prescribed in the rules for the filing of briefs is not jurisdictional and is within the discretion of the district court pursuant to Bankruptcy Rule 8009; the parties request an extension of the deadlines for the filing of briefs as follows:

- a) Greenwich's Appellant Brief shall be filed on or before Friday, May 30, 2008;
- b) GSCP's Respondent Brief shall be filed on or before Monday, June 30, 2008; and
- c) Greenwich's Reply Brief shall be filed on or before July 15, 2008;

WHEREAS, the parties have conferred and agreed to request that the Court enlarge the page limits for briefs, as set forth in Local Rule 7.1 of the United States District Court for the Southern District of New York, to 35 pages for the Appellant and Respondent Briefs and 15 pages for the Reply Brief; and

WHEREAS the parties have made no previous requests for the relief sought herein.

The parties hereby consent to this filing and jointly request that the Court grant their joint application and relax the page limitations and set the briefing schedule as set forth above.

Respectfully submitted,

DATED: May 1, 2008  
New York, NY

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DATED: May 1, 2008, 2008  
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**FOR GOOD CAUSE, IT IS SO ORDERED**

DATED: May 5, 2008

  
The Honorable Loretta A. Preska  
United States District Judge